IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

Bail Appl..No. 7119 of 2007()

CMP.4689/2007 of J.M.F.C.,NADAPURAM
CRIME NO.312/07 OF NADAPURAM POLICE STATION

.....

PETITIONER: ACCUSED:

SIDDIAUE, S/O.ABDULLA HAJI,
AGED 30 YEARS, CHUNDAYIL HOUSE, THOONERI AMSOM,
MUDAVANTHERI P.O., KOZHIKODE DISTRICT.

BY ADV. SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA

RESPONDENTS: COMPLAINANT:

STATE OF KERALA REPRESENTED BY THE
SUB INSPECTOR OF POLICE, NADAPURAM POLICE
STATION THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7119 OF 2007

Dated this the 22nd day of November, 2007

ORDER

Application for regular bail. The petitioner faces allegations under the Explosive Substances Act. He is alleged to have mischievously left an explosive substance in an open place within the reach of all and sundry. The children returning from the school saw the curious article and meddled with the same. There was an explosion. Injuries were suffered. A crime was registered. Investigation is in progress.

2. In the course of investigation, it was revealed that it was the petitioner who had surreptitiously left the article there. The petitioner has criminal antecedents also. He was arrested on 11/11/07. He continues in custody from that date.

3. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The conclusion that it was

the petitioner who had left the article there is not correct or proper at all. The petitioner's Visa expires on 25/11/07. In these circumstances, the petitioner may be granted bail and may be permitted to proceed to the place of his employment abroad, prays the learned counsel for the petitioner.

4. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that considering the nature and gravity of the allegations, the antecedents of the petitioner as also the stage of the investigation, the petitioner may not be enlarged on bail. At any rate, the petitioner may not be permitted to leave India at this stage of investigation, submits the learned Public Prosecutor.

5. I have considered all the relevant inputs. The Case Diary has been placed before me for my perusal. I have perused the same. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. I am not persuaded to agree that this is a fit case where the petitioner is entitled to be enlarged on bail at this early stage of the investigation.

5. In the result, this bail application is dismissed. But I may hasten to observe that the petitioner shall be at liberty to move this Court for bail again at a later stage of the

investigation, not, at any rate prior to 3/12/2007. The Investigator shall, in the meantime, make every endeavour to complete the investigation.

Sd/-
(R. BASANT, JUDGE)

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P.S. to Judge